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Applicability: All DDSN State Employees

The language used in this policy does not create an employment contract between the employee and the Department of Disabilities and Special Needs (SCDDSN). SCDDSN reserves the right to revise the contents of this policy, in whole or in part.

The approval of the South Carolina Department of Disabilities and Special Needs' (DDSN) Director of Human Resources (HR) must be obtained in writing prior to any state employee being employed by two (2) separate state agencies or in two (2) capacities within a single agency requiring the issuance of two (2) separate checks. The approval and signature of both state authorizing officials are required prior to final approval.

Although the request may originate in either agency, the responsibility for obtaining final approval rests with the requesting (secondary) agency. For example, if the consultant services of a Psychologist, presently employed by the University of South Carolina, are desired by the Department of Disabilities and Special Needs, the responsibility for obtaining final approval rests with appropriate DDSN staff.

The maximum compensation that an employee is authorized to receive for dual employment in a fiscal year cannot exceed 30% of the employee's annualized salary, unless prior approval has been received from the Office of Human Resources. Federal overtime regulations apply to non-exempt classifications, and such will be considered prior to final approval.

No employee can receive additional compensation for services performed during scheduled hours of work (this includes mealtimes and breaks) unless the employee takes annual leave or leave without pay. An employee's work schedule shall not be altered or revised in order to provide time to perform dual employment duties. However, an

employee may use annual leave while providing services during working hours for a requesting (secondary) agency and may receive compensation from that agency for services performed during the period of leave. No employee shall receive additional compensation from the employing (primary) agency while in a leave with pay status to include all designated paid state holidays and compensatory leave.

The following are the procedures to be followed for three situations which may arise regarding requests for dual employment.

Requests for Approval to Perform Duties for Another Agency will be initiated by the professional person concerned, approved and signed by secondary agency official, reviewed by the District HR Director, approved by the District Director/Facility Administrator and forwarded to DDSN's Director of HR along with a written description of the duties involved in the request, including amount of compensation to be paid and the date the service will begin and end.

Requests to Dually Employ an Employee of Another State Agency will be initiated by the District Director/Facility Administrator or Deputy State Director and forwarded, with explanation, to DDSN' Director of HR. If approved, the request will be forwarded to the Director of the "Home" state agency for approval and return. If approval is granted, the form will then be returned to the District HR director for necessary payroll processing.

Requests to Employ a DDSN Employee in a Dual Capacity Within DDSN will be initiated by the District Director/Facility Administrator or Deputy State Director. If this action involves an employee of one (1) facility performing duties for another facility, the approval of both should be indicated on the request before it is forwarded to DDSN's Director of HR for approval. Requests of this type must clearly indicate why the service should be performed by this individual; why the services cannot be performed without dual compensation; and how the services are to be performed without interference with the individual's principal duty.

An employee can perform dual employment in the same agency only if the dual employment duties are clearly different from the primary job duties. For example, a clerical employee may not perform clerical duties in another department under a dual employment contract. However, a clerical employee may perform nursing duties under dual employment guidelines. If approved by the Director of HR, requests will be forwarded to the appropriate District HR Director for necessary payroll processing.

All requests for dual employment should be forwarded to the office of Director of HR by appropriate cover letter and signed by the District Director/Facility Administrator. The Director of HR will approve the Dual Employment by signature of this request.

Bill Barfield
Deputy State Director

(Originator)

Stanley J. Butkus, Ph.D.
State Director

(Approved)